

REMARKS

Claims 1-8, 14 and 15 remain in the application. Claims 9-13 have been cancelled because they are drawn to a non-elected invention, but the cancellation of the claims is not to be interpreted as an abandonment of the invention of those claims or the abandonment of the pursuit of patent protection on that invention. Claims 1 and 5 have been amended to more particularly point out the type and ratio of fibers used in the invention, basis for this amendment being found in Examples 2 and 3 and in the original dependent claims, such as claims 3, 4, 7, 8, etc.

The claimed invention is nonwoven fibrous mats having particular combinations of two lengths of fibers of particular diameters bound together with a resin binder, and laminates containing at least one of these nonwoven mats. The particular combination of fibers recited in the claims produces mats having a smooth surface and a surface having less "stand up fibers", making these mats particularly suitable for coating and for using in laminates in which the coating is an exposed surface. When a lot of "stand up fibers" are present on the surface of a fibrous nonwoven mat, the exposed mat, coated or uncoated, is difficult to paint and achieve a nice appearance, please see the penultimate paragraph of the Background section of the present Specification. This is particularly important when the mat or coated mat is used as a facer for gypsum wall board, a typical potential application for a nonwoven mat and for the mats of the present invention.

Claim 4 was objected to because the word "lone" in line two appeared to be in error. In Applicant's copy of the specification as filed, the word objected to in line two is "long", so something must have happened in the printer to make the word look like "lone". Claim 4 is thus amended to correct the word "lone" in line 2 of the claim to "long", which should satisfy this objection.

Claims 1-8, and 14-15 were rejected under 35 USC 103 as being anticipated by Peng et al pending patent application. This rejection is respectfully traversed. For a reference to anticipate an invention it must teach every element of the claim(s). Peng et al do not teach every element of the original claims or of the now amended claims, e.g. it does not teach using 9-14 micron diameter fibers, the mats described in claims 3 and 4, or the laminates of claims 5-8, 14 and 15. For example, teaching using fibers within the range of 1-100 microns in diameter does not teach using fibers in a range of 9-14 microns and teaching using a combination of 1-100 wt. percent of fibers of one length and 100-1 wt. percent of fibers of a second length does not teach a mat of comprising fibers in which 25 wt. percent of the fibers are one length and 75 wt. percent of the fibers are a different length. For these reasons, Applicant believes the claims are patentable under 35 USC 102 and respectfully requests the Examiner to withdraw this rejection and to allow all of the claims.

Claims 3-4, 7-8 and 14-15 were rejected under 35 USC 103 as being unpatentable over Peng et al, i.e. as being made obvious by the teachings of Peng et al. The Examiner admits that Peng et al does not explicitly set forth the particularly claimed ranges (and now percentages), but that it would have been obvious to one of ordinary skill in the art to have selected the optimum lengths and proportions from the teachings of Peng et al. This rejection is respectfully traversed because the Examiners reason for why one of ordinary skill in the art would so modify Peng et al from the preferred embodiments taught by Peng et al is based on a false premise and an unsupported and dubious assumption. First, Peng et al teaches a mat having high tear strength for use in roofing products or other building composites requiring high tear strengths, see paragraph [0002]. The Examiner assumes, without any sound basis, that Peng et al has not set forth the optimum compositions of his invention. Secondly, the Examiner has not shown anything to suggest that the parameters and proportions of Applicant's claimed invention, selected to produce a smooth surface with a minimum of "stand up fibers" would produce optimum optimum tear strength in Peng et al. If in fact it doesn't, and there is a great likelihood, due to the short length of the fibers of the present invention, that the presently claimed mats do not have a higher tear strength than the mats disclosed specifically by Peng et al.

The Examiner does not have a reasonable basis for establishing that, prima facie, the presently claimed mats are merely an optimization of the disclosure and invention of

Peng et al. Further, the Examiner has not presented any other reasonable basis for why one of ordinary skill in the art would modify select the parameters and ranges contained in the present claims to make a mat having a smooth surface with a reduced amount of "stand up fibers". For these reasons Applicant believes that the present claims are patentable under 35 USC 103 and respectfully requests the Examiner to withdraw this rejection and to allow all of the claims.

Applicants believe that the claims are now in condition for allowance, but if the Examiner believes one or more issues still exist, to expedite disposal of this application the Examiner is respectfully invited to call Applicants' attorney at the number listed below to discuss the issue or issues and a way of removing.

Respectfully submitted,


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